

# Notice of Allowability

Application No.

09/611,054

Examiner

Stefano Karmis

Applicant(s)

GRAY ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 22 May 2007.
2. ☒ The allowed claim(s) is/are 1-9, 14-27 and 32-36.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 22 May 2007.

### *Status of Claims*

2. Claims 1, 4, 5 and 19 are currently amended. Claims 10-13 and 28-31 are cancelled. Claims 1-9, 14-27 and 32-36 are currently pending.

### *Allowable Subject Matter*

3. The following is an examiner's statement of reasons for allowance:

Prior art U.S. Patent 5,996,013 to Delp et al. (hereinafter Delp) teaches a method and apparatus for resource allocation with guarantees (column 1, lines 38-43). Delp teaches that a controller performs the role of a decision maker, arbitrating between multiple flows and determining which cells are deserving of resources while a resource allocator performs the actual allocation and deallocation of resources at the behest of the controller (column 3, line 66 thru column 4, line 5). The computer communications network resource allocation system uses a resource arrangement including at least two pools of resources, one designated the dedicated pool, a second designated the shared pool and a third optional high use or no use pool (column 4, lines 12-22). Delp teaches the advantages of the memory pool arrangement are that the dedicated pool provides the guarantees (column 4, lines 38-49). Delp also teaches an alternative

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method that uses the predetermined low threshold, an importance factor  $F_i$  and the user charge  $N_i$  for resource allocation (column 5, lines 6-39).

Prior art U.S. Patent 6,005,925 to Johnson et al. (hereinafter Johnson) teaches a system for bidding for telecommunication services in which a Moderator administers collection and dissemination of bidding information (column 6, lines 5-15). Johnson teaches that Carriers bid for traffic from subscribing switches and that the Carriers transmit their bids from the network management computers over data links (column 6, lines 16-27). The Moderator receives the bids, processes them in its processor to produce carrier selection data (column 6, lines 35-41). The Moderator processes the bids to prioritize them for each route segment, producing derivative data, including carrier selection data (column 6, lines 54-65).

The prior art fails to teach A method for service allocation among a plurality of entities requiring service allocation in a communications or computing environment comprising the steps of: redistributing a supply of said holding entities among said bidding entities, wherein said redistribution is based upon a proportion of said supply held by said holding entity using a holding price, said proportion being described by the formula:  $R_c (1 - P_c/P_b)^{\text{exp}}$ , wherein  $R_c$  is the current allocation of resource to said holding entity,  $P_c$  is the current holding price of said resource as held by said holding entity,  $P_b$  is the bid price and exp is an exponent as discussed in the specification on page 26, line 23 thru page 28, line 25. For this reason claim 1 is deemed allowable over the prior art. Independent claim 19 is deemed allowable for similar reasons. Claims 2-9, 14-18, 20-27 and 32-26 are allowed based on their dependency to claims 1 and 19.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

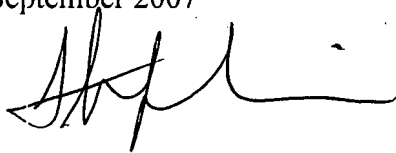
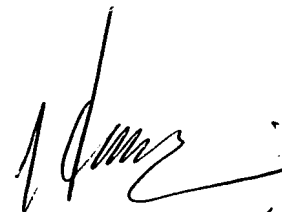
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Respectfully Submitted

Stefano Karmis

10 September 2007

A handwritten signature in black ink, appearing to be 'Stefano Karmis', with a long horizontal stroke extending to the right.A handwritten signature in black ink, appearing to be 'Hani M. Kazimi', with a long horizontal stroke extending to the right.

**HANI M. KAZIMI**  
**PRIMARY EXAMINER**